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PATENT, TRADEMARK  
AND COPYRIGHT LAW

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Date: February 17, 2009

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To: Examiner D. Underwood  
Group Art Unit 3652, USPTO

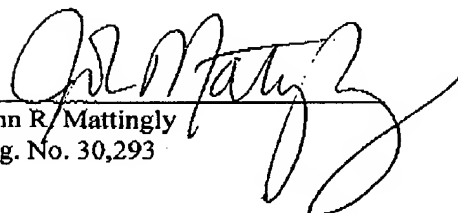
From: Mr. John R. Mattingly  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/550,729  
Attorney Docket No.: H&C-122

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

**Transmittal; and  
Amendment.**

  
John R. Mattingly  
Reg. No. 30,293

February 17, 2009  
Date

Total Number of Pages (including cover sheet): \_\_\_\_\_

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Form PTO-1083

Patent

In RE application of T. NAKAJIMA et al

Case Docket No. H&amp;C-122

Serial No.: 10/550,729

Group Art Unit: 3652

For: AN OPERATING ARM FOR A CONSTRUCTION  
MACHINE AND METHOD OF FABRICATING THE SAME

Examiner: D.W. Underwood

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RECEIVED  
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Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small entity of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra
Total	Minus **	=
Indep.	Minus ***	=

☐ First presentation of Multiple Dependent Claims

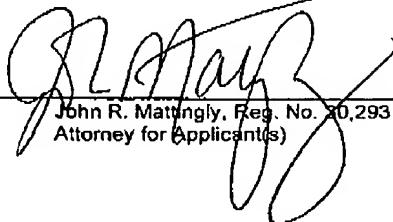
SMALL ENTITY	
Rate	Additional Fee
X 25	\$
X 100	\$
X 180	\$
Total	\$

OR

OTHER THAN A SMALL ENTITY	
Rate	Additional Fee
X 50	\$
X 200	\$
X 360	\$
Total	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 50-1417 in the amount of \$\_\_\_\_\_.
- ☐ A Credit Card Payment Form in the amount of \$\_\_\_\_\_ is attached for
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayments to Deposit Account No. 50-1417.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ Any Extension of Time fees that are necessary, which are hereby requested if necessary.

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John R. Mattingly, Reg. No. 50,293  
Attorney for Applicant(s)

Date: February 17, 2009

**FEB 17 2009**

H&C-122

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): NAKAJIMA, et al

Confirmation No. 8330

Serial No.: 10/550,729

Filed: September 26, 2005

For: AN OPERATING ARM FOR A CONSTRUCTION MACHINE AND  
METHOD OF FABRICATING

Group: 3652

Examiner: D. Underwood

**AMENDMENT**

Commissioner for Patents  
**Mail Stop: Amendment**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated November 21, 2008, please amend  
the above-identified patent application as follows.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2  
of this paper.

**Remarks** begin on page 5 of this paper.